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17 UNITED STATES DISTRICT COURT  
18 FOR THE EASTERN DISTRICT OF CALIFORNIA

19  
20 DAVID ARONSON,  
Plaintiff,

21  
22 v.

23 KILOLO KIJAKAZI,  
24 Acting Commissioner  
25 of Social Security,

26 Defendant.

Case No. 2:22-cv-01267-DMC

STIPULATION AND ORDER FOR THE  
AWARD OF ATTORNEY FEES UNDER  
THE EQUAL ACCESS TO JUSTICE ACT  
(EAJA)  
28 U.S.C. § 2412(d)

27 TO THE HONORABLE DENNIS M. COTA, MAGISTRATE JUDGE OF THE  
28 UNITED STATES DISTRICT COURT:

1 The Parties through their undersigned counsel, subject to the Court's approval,  
2 stipulate that Plaintiff be awarded attorney fees in the amount of SIX THOUSAND, FIVE  
3 HUNDRED DOLLARS and 00/100 (\$6,500.00) under the Equal Access to Justice Act  
4 (EAJA), 28 U.S.C. § 2412(d) and costs in the amount of FOUR HUNDRED TWO  
5 DOLLARS (\$402.00), to be paid separately from the Judgment Fund. This amount  
6 represents compensation for all legal services rendered on behalf of Plaintiff by counsel  
7 in connection with this civil action, in accordance with 28 U.S.C. § 2412(d). Plaintiff  
8 attests her net worth has not exceeded, \$2,000,000.00, at the time of the filing of this civil  
9 action nor at the present.

10 After the Court issues an order for EAJA fees to Plaintiff, the government will  
11 consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue*  
12 *v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor  
13 the assignment will depend on whether the fees are subject to any offset allowed under  
14 the United States Department of the Treasury's Offset Program. After the order for EAJA  
15 fees is entered, the government will determine whether they are subject to any offset.

16 Fees shall be made payable to Plaintiff, but if the Department of the Treasury  
17 determines that Plaintiff does not owe a federal debt, then the government shall cause the  
18 payment of fees, expenses and costs to be made directly to counsel, pursuant to the  
19 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's  
20 counsel, Meghan O. Lambert at 521 Cedar Way, Suite 200, Oakmont, Pennsylvania  
21 15139.

22 This stipulation constitutes a compromise settlement of Plaintiff's request for  
23 EAJA fees, and does not constitute an admission of liability on the part of Defendant  
24 under the EAJA. Payment of SIX THOUSAND, FIVE HUNDRED DOLLARS and  
25 00/100 (\$6,500.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d)  
26 and costs in the amount of FOUR HUNDRED TWO DOLLARS (\$402.00) in costs, to  
27  
28

1 be paid separately from the Judgment Fund. These payments shall constitute a complete  
2 release from, and bar to, any and all claims that Plaintiff and Plaintiff's attorney, Meghan  
3 O. Lambert, may have relating to EAJA attorney fees in connection with this action.

4 This award is without prejudice to the rights of Plaintiff's attorney to seek Social  
5 Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause  
6 provisions of the EAJA.

7 Respectfully submitted,

8  
9 Dated: May 31, 2023

/s/ Meghan O. Lambert

MEGHAN O. LAMBERT

Attorney for Plaintiff

12 Dated: May 31, 2023

PHILLIP A. TALBERT

United States Attorney

Eastern District of California

15 By: /s/ Caspar Chan\*

CASPAR CHAN

Special Assistant U.S. Attorney

Attorneys for Defendant

18 (\*Permission to use electronic signature  
19 obtained via email on May 31, 2023).

20  
21 SO ORDERED:

22 Dated: January 3, 2024



DENNIS M. COTA

UNITED STATES MAGISTRATE JUDGE